

THE CLAYTON CITIZEN

VOLUME 12

CLAYTON, NEW MEXICO, THURSDAY, APRIL 20, 1916.

NO. 15.

LOCAL INCIDENT SHOWS SYSTEM TO BE FAULTY

Taxpayers Paper Says Ad- journd Term of Court Ex- pensive and Accomplish- ed Nothing

The April number of the New Mexico Tax Review, the official publication of the Taxpayer's Association, has just been issued and probably is the most interesting number yet produced since it shows the association in active operation as an investigator of public finance and administration. The bulk of the number is the work of Director A. E. James, who continues his series of educational articles on taxation and gives first results of his inquiry into methods of conducting stated finances.

One of the most interesting features of the number is a brief reference to the grand jury system in New Mexico with particular reference to a recent incident in Union county. This article is headed "A Lawyer's Game at a Taxpayers Expense of \$1,107.27." The article is in part as follows:

"The grand jury in Union county recently returned several indictments. The attorneys for the defendants demurred on the ground that the jury impaneled had been drawn after the periods specified in the law. The indictments were quashed and the work will have to be done over. This little byplay is best explained by the following letter from the director to the county clerk and his replies:

"I am advised by the newspaper statement in the Clayton newspapers that the indictments presented by the grand jury were quashed because of irregularity in drawing the jury. May I ask you to furnish me with certain information not contained in this newspaper statement?

Q. Number of days grand jury was in session?

A. Eight days.

Q. Number of days court was in session before the indictments were quashed?

A. Seven days.

Q. Amounts paid petit jurors before same were dismissed?

A. Petit jury was dismissed on March 13-16 same day, before empanelling said jury, \$231.31.

Q. Amounts paid on account of grand jury?

A. \$653.31.

Q. Sheriff's fees paid or due, service of warrants, subpoenas, etc., on account of cases dismissed?

A. He was paid for actual expenses serving jurors, etc., \$222.65.

Q. May I ask you to give me the name and the official position of the person to whom Judge Lieb gave the key to the jury box?

A. Judge Lieb had the key all the time.

Under the New Mexico system a person suspected of crime is committed by a magistrate to the grand jury. That jury returns an indictment after hearing only one side, the prosecution. Then sometime afterward the case goes to trial. Every statutory detail covering the selection of the grand and petit juries must be fully carried out to sustain the indictment and the conviction if one is had.

Do not criticize the lawyers. It is their duty to protect their client in every way possible under the law. It is their duty to play the law game according to the rules.

But what of the rules?

A person accused of crime has a right to know what he is accused of. The indictment does that. Whether it is framed directly by the district attorney or indirectly through a grand jury, is a matter of form, not substance. A defendant is entitled to a fair and open trial and to be confronted by the witnesses against him. The trial before a petit jury does that. Why then, a grand jury? It is not necessary to the protection of the defendant. It merely adds a cumbersome fifth wheel to our legal machinery, invites wasteful errors, occupies the time of the district attorney, the sheriff and the court and costs large sums of the taxpayers' money. A summary hearing before a magistrate

shorn of technicalities would supply all necessary preliminaries, guarantee a speedier trial and save the public funds. Not all states require grand juries in every case. Why not simplify the rules in New Mexico?

Are we so rich that we can afford to squander money on a lawyer game? The defendants who got out of Union county escaped only temporarily. Their triumph is not substantial. Nothing is decided. The mill has only ground without a grist. It will grind again, perhaps with a greater success on a second attempt. But this all costs money—to what end?

"Damaged Goods" Tonight

Manager Slat's Rankin, of the Mission wishes to announce that in showing "Damaged Goods," which comes to his show shop for two performances, tonight, that he considers the theme of the picture one in which every right thinking man and woman should be vitally concerned. He, along with folks who have read literature commenting on the play, knows that the subject is far from elegant—but one that strikes every person with stunning force of the desirability of a single standard of morals before marriage.

Slat's thinks that if all were acquainted with the motive of the picture two shows at the Mission would not be sufficient to accommodate the crowd.

Juan Pronounces Sentence

County Clerk Juan J. Duran admits he doesn't look the part but he did it nevertheless, he tied the knot and the folks are married and doubtless have grown weary of receiving congratulations. It happened Tuesday when Frank Peters of Kansas City, Mo., and Jennie Shroyer of Guy, were married at the court house. The couple will reside at Guy, it is reported.

Marriage license was issued to Bert Swann and Bertha Kerr, of Hayden, Tuesday.

Isaacs Gets Paper Baler

Soaring prices of paper have impressed R. W. Isaacs sufficiently to cause him to order a paper baler according to members of the office force. The baler is expected here the latter part of the week. Mr. Isaacs, it is reported, will have a man who will herd all the stray paper in town where it can be obtained in paying quantities. The newspaper plants in Clayton will be able to supply enough waste paper to keep the baler in working condition, at least.

Three Will be Candidates

Dr. Chas. Whellon, of Santa Fe, was a Clayton visitor this week on business connected with the Masonic lodge. He was conferring with W. C. Barnhart, H. J. Hammond, Jr., and F. H. Clark, who, it is reported, will be members of the June class at the Scottish Rite temple in Santa Fe.

Wade will Sell Easter Posies

The flower sale, rather live plant sale at Geo. H. Wade & Co., proved a winner. It started with a rush as early as 7 o'clock Monday morning. By 9 o'clock the choice plants were gone. Mr. Wade sent for another lot of 1000 live plants, 500 of which are pansies, the balance being an assortment of roses, ferns, heliotropes, tulips, etc. He has also sent for several dozen cut flowers for Easter.

Order of Easter Service at the Baptist Church

Morning worship at 11 o'clock
Doxology, Invocation, Hymn, "Victory is Won." Scripture Reading, Anthem, "The Lord will Comfort Zion," Prayer, Solo, "The Angel's Chorus," Miss Hazel Asmussen. Offertory, Chorus, "Crown Him King of Kings." Sermon, "Risen with Christ." Hymn, "Christ Arose." Benediction.
Evening worship at 7:30 o'clock.
Subject of Sermon, "An Easter Journey."
All are cordially welcome.
J. Q. Herrin, Pastor.

God or Somebody Protect Clayton From Fire

Down-town folks were thrown into hysterical fits Tuesday when our justly celebrated fire whistle's shriek sounded above the wind's voice. The buzz wagon and firemen raced to the blaze which was finally located at Dr. Edmondson's. A straw pile was burning. The firemen had the hose ready for business in their usual short time.

However, the firemen's efforts were in vain—

Although the boys twisted on the water plug in approved style, nothing happened. There wasn't any water.

Dr. Edmondson had the lawn hose into action, and by stuffing a finger in the end, which furnished a nozzle, impromptu as it were, he succeeded in conjuring up such a terrific pressure that he got the edge of the fire all damp.

Fire Chief Claggett came to the rescue with hand extinguishers and soon had the blaze quenched.

Please pray for Clayton—at least until more adequate fire protection is at the disposal of the firefighters.

SCHOOL "KIDS" TO GIVE DANDY ENTERTAINMENT

Will Celebrate Close of Term with Drills, Songs and Play- lets for School Library Benefit

Superintendent and teachers in the Clayton schools are working long hours overtime preparing the entertainments that celebrate the close of the school term. Two entertainments are scheduled and each promise to be brim full of interest, the first is set for Tuesday night, April 25, at the Mission theatre.

The principal event of that night will be a musical playlet entitled "Mid-Summer Eve" given by the fourth, sixth and seventh grades under direction of Miss Lucy Sullivan. There are several other numbers which serve on the program as "specials." The proceeds of the affair will be applied to the school library. Admission price is fixed at 15 and 25 cents.

Following is the program by grades, the teachers acting as directors of each special number:

Folk Dance "I See You"
(Miss Morgan, Teacher)

First primary: Josephine Dominguez, Tom Pace, Nellie Valdez, Franklin Kilburn, Rae Lynch, Nestor Baca, Condella Garcia, Beamen Wilhite, Daisy Means, Buddie Joe Gill, Lorena Parham, Donald Gills, Jessie Lu Akin, Glenn Akin, Alice Castillo, Fredie Lee Street, Edna Holmes, Thatcher Sherman, Reba Reeves, Carl Weichman.

Drill and Music
(Miss Leavell, Teacher)

Second Primary: Girls, song, "Little Sleepy Head Dolly."

Second primary: Boys, Drill, "Defenders of the U. S. A."

Tantoli (Dutch)
(Miss Cox, Teacher)

Pauline Clark, Floyd Raibourn, Mabel Snyder, Arthur Farber, Aviguel Sanchez, Fay Stephenson, Erma Zahner, Ouna Nutter, Agnes Rankin, John Pace, Felicitia Tarin, Ira Walcott, Mary Garcia, Carl Pyle, Glenna Granville, John Rose.

Indian Club Drill, 6th and 7th grade boys.

Special Drills
(Mrs. Howard and Miss Hutchings)

Third and Fifth grades: Chinese Feast, boys; Zobo drill, girls.

"Mid-Summer Eve"

Misses McArthur and Spring, Teachers, Miss Sullivan Musical Director.)
Cast of characters, fourth, sixth and seventh grades.

Dorothy ----- Nella Akins
Queen Mab ----- Catherine Gentry
Herald ----- Julius Kingdom

Pages: Eddie Ruppel, Duran Campbell.

Arbutus ----- Pauline Beatty
Innocence ----- Isabel Herastein
Flowers ----- Sixteen Girls

Will-o-the-wisps ----- Eight Girls
Little Green Elves ----- Eight Girls
Spirit of the Dawn ----- Vala Parks

Popular Young Rancher Weds

Romance growing out of a visit on a ranch near Kenton culminated happily in the Eklund hotel parlor at 7 p. m. Sunday evening when Miss Margie Holder, of Evansville, Ind., was married to Walter Smylie, one of Union county's popular young ranchmen, of near Kenton. Cale Giles, Mrs. M. B. Smylie and Mr. and Mrs. Arthur Wooten and a few friends at the hotel were guests.

Mrs. Smylie met her husband while visiting relatives on a ranch near Kenton, and although she returned to her home in the Hoosier state the call of the west proved too great and she again came—to stay. She has made many friends during her short residence here.

Mr. Smylie is one of Union county's progressive and prosperous young ranchmen, a good citizen and business man who has hosts of friends who join with The Citizen in extending best wishes.

The young folks left for their ranch home Monday evening.

Slat's Books Well-Known Star

What Manager Slat's of the Mission says is the most important dramatic event in the history of Clayton is billed for his theatre Friday, tomorrow night when the well-known comedy star, May Stewart, will appear in what is advertised as an elaborate production of the W. S. Gilbert comedy, "The Sculptor's Dream." Mr. Gilbert wrote the dialogue for the comic operas, "Pinafore" and "The Mikado."

Slat's told the reporter that he was able to secure Miss Stewart and company quite by accident, having learned that they were on their way east to close the season and only by offering a very substantial guarantee was he able to book this attraction.

Gilbert's comedies have the commendable record of being different from the usual present day affairs and the "Sculptor's Dream" is heralded as one of his best.

Judge to Decide School Fate Monday

Judge Lieb after hearing the plea for an injunction to enjoin the school board from disposing of \$35,000 worth of school bonds decided that the board should go ahead and receive bids on the bonds and he will decide Monday whether the injunction shall be dissolved or made perpetual.

H. B. Woodward represented the citizens asking that the court grant the injunction. The controversy grew out of several parties offering to donate sites for the school building together with a bonus after the school board had contracted a site for \$1800.

Andrew Knell Dead

Andrew Knell, one of the oldest and best citizens of this part of New Mexico, died at Pasadena, Calif., Tuesday. His daughter, Mrs. T. E. Mitchell of Albert, has been there caring for him since the death of his wife, last winter. Mr. Knell came to New Mexico over 30 years ago.

Ford Turns Over

Mrs. Sam Simerl and Mrs. Ben Harlan narrowly escaped serious injury when the Simerl Ford went into the ditch near R. W. Isaacs place Monday. The car turned over, it is reported, because of an attempt to turn too sharply. Mrs. Harlan was painfully, but not seriously, bruised.

Car of Maxwells for Clayton Auto Company

Another car of Maxwells is expected to arrive in Clayton this week, being consigned to the Clayton dealers, the Clayton Garage & Auto Co.

Last June's brides are now prepared to give competent advice to Next June.

Shortage in material is more conspicuous in current fashion than shortage in dyestuff.

The Citizen is the only paper published in Clayton that reaches its subscribers the same week it is printed.

REPUBLICANS CONVENE TO ELECT DELEGATES

Seventy Delegates and Guests Listen to Pertinent Talks of Union County's Lead- ing Citizens

The Republican convention at the court house Monday in which 10 delegates were elected to represent Union county at the state Republican convention at Albuquerque, was interspersed by many speeches that contained the ring of genuine confidence for a sweeping republican victory this fall.

About half of the precincts had delegates present, which is an exceptionally large turnout, considering the enormous size of the county and the very busy season. A large crowd of spectators was also present.

M. J. Woods of Arizstad was elected chairman, Isidro Montoya, secretary, M. Baca and N. F. Gallegos, interpreters, and H. H. Errett, assistant secretary. The committee on credentials was composed of H. J. Hammond, chairman, D. W. Snyder and E. F. Gallegos. The following made up the committee on resolutions: H. E. Woodward, E. Sandoval, D. W. Crow, J. Andres Pacheco, and Juan Vigil.

Important Motion Carried

An important motion placed before the convention by H. H. Errett and seconded by R. Q. Palmer to the effect that each precinct be allowed one delegate for each five votes, carried.

Speeches were made by H. J. Hammond, D. W. Snyder, O. T. Toombs, H. C. Abbott and others.

Mr. Snyder graphically portrayed the Democrats as realizing inevitable defeat. Mr. Snyder also made it known that he was for Roosevelt.

Mr. Hammond did not talk on local issues but took up national problems confronting us. Mr. Hammond's talk was very interesting, making the point vivid that the United States needed a man like Roosevelt at the white house.

Toombs Says Persecution Failed

Judge O. T. Toombs announced that he favored the man the Republican convention at Chicago nominated.

He also utilized the occasion to point out that local "Democratic persecution of Mr. Mansker had come to naught."

The following delegates were chosen by the convention to attend the state convention at Albuquerque:

A. McKenzie, O. T. Toombs, E. F. Gallegos, H. J. Hammond, Juan Vigil, R. Q. Palmer, J. F. Branson, N. F. Gallegos, W. J. Woods, R. P. Ervien.

Villa Death Believed to be Fake

San Antonio, April 18.—Gen. Bell reporting from El Paso to General Funston gave it his opinion, after the thorough investigations he had made, that the report of Villa's death had been manufactured in Juarez.

Reports were received here today from Mexican sources that the American expeditionary force was being constrained in three places, among detachments near Satevo, the main column near Namiquipa and a third division at Colonia Dublan.

These reports also stated that the Parral fighting had had a most unfortunate effect on the people of northern Mexico, and had greatly inflamed the anti-American feeling. The Parral incident, it was said, had been magnified by anti-American and anti-Carranza agitators into a great battle in which the Americans were badly beaten.

The Mexican dead were accounted for as unarmed citizens who had been killed by the Americans before the Parral garrison could interfere.

The meanest editor is he of the Chicago Post, who is glad Villa has shaved off his mustache, so when it is time to hang him he won't look so much like Nick Longworth.

Citizen Job Department—delivers work when promised.